

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**IN RE:**

**NADOWESSIOUX  
PROPERTIES, LTD.**

**DEBTOR-IN-POSSESSION**

**BONTECOU CONSTRUCTION,  
INC.  
a Wyoming corporation,**

**Plaintiff,**

**vs.**

**FIRST INTERSTATE BANK,  
a Montana Corporation,  
NADOWESSIOUX  
PROPERTIES, LTD., a Texas  
limited partnership,  
CHARLES M. HADEN, JR.,  
individually, and SHELLEY  
HADEN, individually.**

**Defendants.**

**CASE NO. 10-41418-H5-11**

**Adversary proc. no. 11-03060**

**(formerly civil action no. 2:10-cv-  
00275 transferred from the USDC for  
the District of Wyoming)**

**DEFENDANTS CHARLES M. HADEN, JR. AND SHELLEY HADEN'S  
MOTION TO WITHDRAW DOCUMENT NO. 34 WITHOUT PREJUDICE**

COMES NOW, Charles M. Haden, Jr. and Shelley Haden (hereinafter referred to as the "Hadens") and files this, their Withdrawal of Document NO. 34 Without Prejudice and in support thereof would show the Court the following:

1. This document was inadvertently filed. The Hadens wish to pursue the issues contained in Document No. 34 pursuant to Bankruptcy Rule 9011 and wishes to give opposing

counsel the requisite twenty-one (21) days notice before the actually filing of this motion.

2. Notice has been provided to opposing counsel and the Hadens wish to provide opposing counsel the requisite twenty-one (21) days notice after this motion has been withdrawn, without prejudice.

WHEREFORE, PREMISES CONSIDERED, the Hadens request that Document No. 34 be withdrawn, without prejudice, to re-filing same so that opposing counsel and Plaintiff can be provided the requisite 21 days notice from the withdrawal of this motion in order to comply with Bankruptcy Rule 9011. The Hadens request such other and further relief to which they may show themselves to be justly entitled.

RESPECTFULLY SUBMITTED:

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

By: 

ANDREW M. KAPLAN

State Bar No. 03776700

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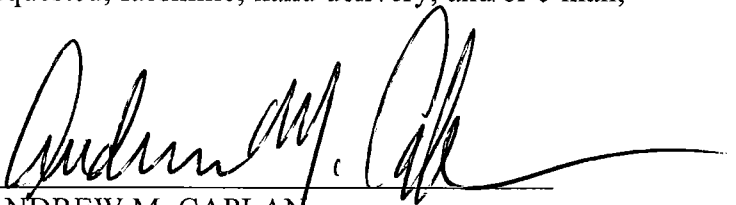
Telephone: (713) 961-9045

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ATTORNEYS FOR CHARLES M. HADEN, JR.  
and SHELLEY HADEN

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been forwarded via certified mail – return receipt requested; facsimile; hand delivery; and/or e-mail, on February 15, 2011, to the parties.

  
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ANDREW M. CAPLAN